

**Enrolled Minutes of the Eleventh Regular or Special Meeting  
For the Twenty-Ninth Highland Town Council  
Regular Plenary Meeting (Electronic)  
Monday, May 11, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, May 11, 2020 at 6:31 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

This meeting was convened as an *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09, an extended by Executive Order 20-25, allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 public health emergency. All persons were meeting remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. When the agenda item provided for public comment, this was supported as well. Councilor Herak, while not required under the Governor's orders, was present on the premises of the plenary meeting room.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding.

The Town Council President, Mark J. Schocke presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Thomas Black offering a prayer and then leading in the Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Thomas Black and Roger Sheeman. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** (all electronically) John P. Reed, Town Attorney; John M. Bach, Public Works Director; Pete Hojnicki, Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

*Also present:* Larry Kondrat (electronically) of the Board of Waterworks Directors; and Ed Dabrowski IT (Contract) Director (electronically) were also present.

*Guests:* Robin Carlascio of the Idea Factory, was also present electronically.

**Minutes of the Previous Meeting:** The minutes of the regular meeting of April 27, 2020 was submitted for consideration. Councilor Zemen moved the approval of the minutes. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The minutes of 27 April 2020 were approved.

**Public Comments on Agenda Items:**

There were no comments.

**Communications:**

1. Communication from the *Highland Census Complete Count Committee* regarding the status of its Implementation of the Action Plan for the May 11, 2020 Meeting. (Includes response rates from 2010) The Town Council acknowledged the receipt of the report and the associated map.

**HIGHLAND 2020 CENSUS COMPLETE COUNT COMMITTEE**  
**Town Council Staff Report- May 11th Meeting**

Current activities include the following: A Census message placed on the May water bill; continued social media posts and "Shares" by other Department's social media outlets; and, additional Census content in May's Gazebo Express.

**Residents have three ways to self-respond to the Census: they can go to [my2020census.gov](https://my2020census.gov) to respond online; respond by phone may call 844-330-2020; and, residents who have not already responded can fill out and mail in paper questionnaires.** The availability of the mail-in method is boosting the rates throughout town.

As of statistics obtained today (May 8<sup>th</sup>), we are approaching the 2010 self-response levels town-wide, and in almost all of the individual Census tracts. I have supplied a Census tract map with this report. A 2010/ 2020 comparison of self-response rates to date, shows as follows:

Entire Town- 2010 Final- 80.6 %  
2020 To Date- 75.2%

#405.01- 2010 Final- 74.4%  
2020 To Date- 62.9%

#405.02- 2010 Final- 80.5%  
2020 To Date- 74.9%

#406- 2010 Final- 77.3%  
2020 To Date- 74.4%

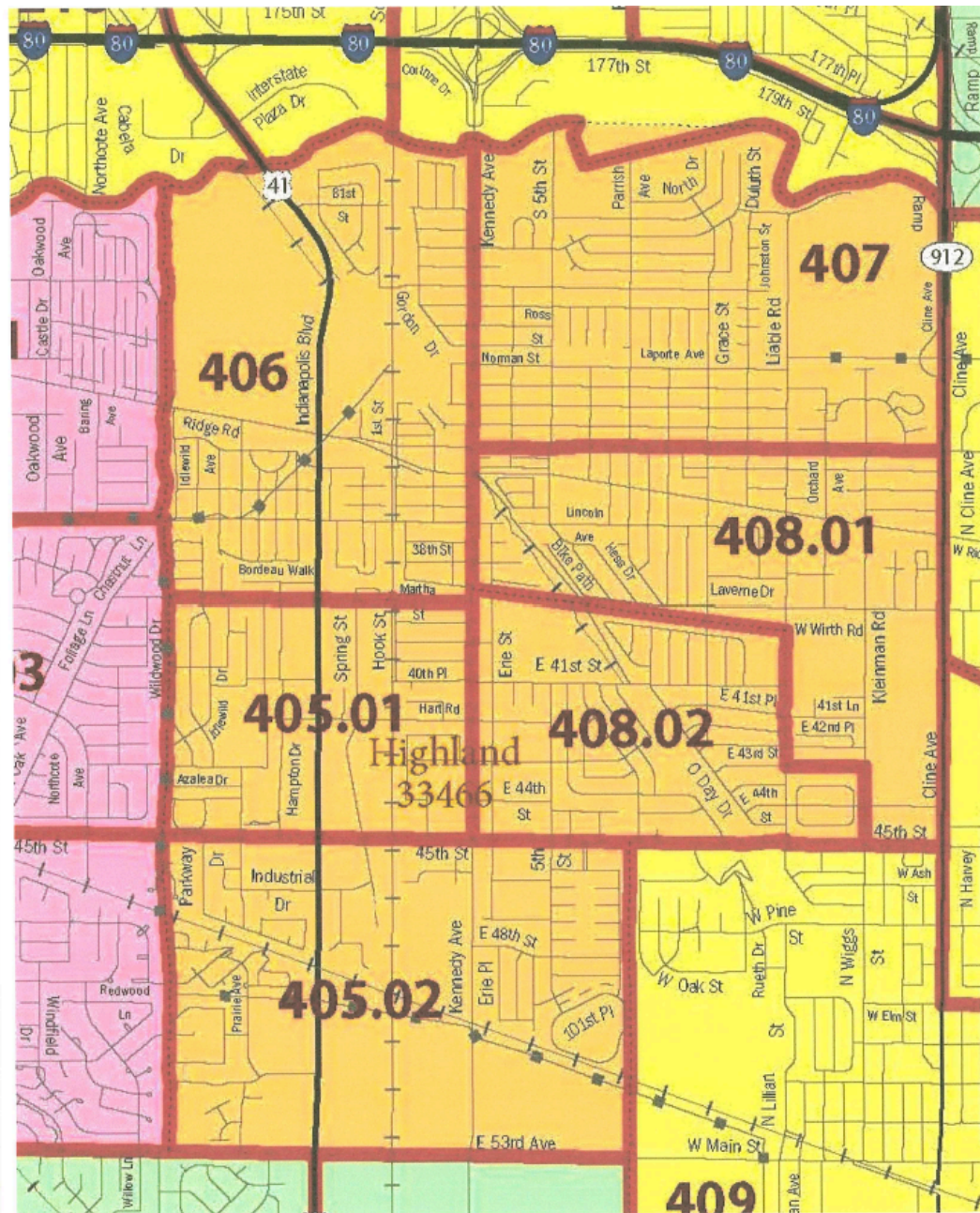
#407- 2010 Final- 83.7%  
2020 To Date- 81%

#408.01- 2010 Final- 84.2%  
2020 To Date- 80.2%

#408.02- 2010 Final- 83.7%  
2020 To Date- 80%

Respectfully submitted,  
Lance Ryskamp- Co-Chair

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**Staff Reports:** The following staff reports were received and filed.

- **Building & Inspection Report for April 2020**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	2	0	2	\$71,600.00	\$1,436.50
Signs:	0	0	0	\$0.00	\$0.00
Single Family:	1	1	0	\$363,550.00	\$5,576.50

Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	1	1	0	\$42,656.00	\$875.00
Residential Remodeling:	41	41	0	\$423,184.00	\$8,385.00
Garages:	1	1	0	\$67,388.00	\$1,237.50
Sheds:	1	1	0	\$500.00	\$94.00
Decks & Porches:	6	6	0	\$17,629.00	\$1,220.00
Fences:	15	15	0	\$37,048.00	\$1,816.00
Swimming Pools:	3	3	0		\$282.00
DrainTile/ Waterproofing:	10	10	0	\$82,955.00	\$2,118.00
Miscellaneous	10	10	0	\$16,160.00	\$1,471.50
<b>TOTAL:</b>	<b>91</b>	<b>89</b>	<b>2</b>	<b>\$1,122,670.00</b>	<b>\$24,512.00</b>
Electrical Permits	17	16	1		\$1,769.00
Mechanical Permits	6	5	1		\$652.00
Plumbing Permits	8	5	3		\$1,053.50
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	1	0	1		\$500.00
<b>TOTAL Plumbing:</b>	<b>10</b>	<b>5</b>	<b>5</b>		<b>\$2,443.50</b>

**April Code Enforcement:**

Investigations: 082  
Citations: 003  
Warnings: 000

**April Inspections:**

Building: 30      Electrical: 19      Plumbing: 11      HVAC: 10  
Electrical Exams: 0

• **Fire Department Report for April 2020**

Type of Call	Month	1 <sup>st</sup> half of year	
General Alarms	11	34	
Paid Still Alarms	12	78	
Still Alarms	02	19	
<b>Total Alarms:</b>	<b>25</b>	<b>131</b>	<b>Calls YTD: 131 calls</b>

• **Workplace Safety Report for April 2020**

There was one workplace incident to report in April. The following report was filed.

Department	Injuries this Month	Year to Date 2020	Total in 2019	Restricted Days 2020	Lost Workdays This Year (2020)	Restricted Days Last Year (2019)	Lost Workdays Last Year (2019)
Parks	1	1	0	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	0	4	0	0	0	0
Street	0	0	1	0	0	0	0

Water & Sewer	0	0	5	31	0	0	0
Maint.	0	0	1	0	0	14	2
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>1</b>	<b>13</b>	<b>31</b>	<b>0</b>	<b>14</b>	<b>2</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

#### Appointments:

- **Statutory Boards and Commissions**

*Executive Appointments (May be made in meeting or at another time)*

1. **Redevelopment Commission Non-voting advisor (1):** appointment to be made by Town Council President. Must be a member or staff from the School Town of Highland. (*Note: Currently held by Patrick Krull; Term expiring June 30, 2020*)

The Clerk-Treasurer reported that the School Town Board of Trustees President had recommended the renewed appointment of Patrick Krull as the non-voting advisor to the Redevelopment Commission.

Noting the recommendation, the Town Council President, as municipal executive, announced the reappointment of **Patrick Krull** as the non-voting advisor to the Highland Redevelopment Commission, for a two year term, beginning at the conclusion of the current term, July 1, 2020 and ending on June 30, 2022.

#### Unfinished Business and General Orders:

1. **Enactment No. 2020-22:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget from Monies Received as a Grant from the State or Federal Government in the **Public Safety Local Income Tax Fund**, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Herak introduced and moved the consideration of Enactment No. 2020-22 in the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2020-22 in the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland**  
**APPROPRIATION ENACTMENT**  
**ENACTMENT NO. 2020-22**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET FROM MONIES RECEIVED AS A GRANT FROM THE STATE OR FEDERAL GOVERNMENT PUBLIC SAFETY LOCAL INCOME TAX FUND, PURSUANT TO I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 ET SEQ.**

**WHEREAS, IC 6-1.1-18-7.5** provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a **grant** from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or

designated by the state or the federal government as a **reimbursement** of an expenditure made by the political subdivision;

**WHEREAS**, The Town Council has been informed of the receipt of funds from a grant of the **State of Indiana Department of Homeland Security Grants**, representing a fire service safety grant particularly represented on Clerk-Treasurer's **receipt number 651710** in the amount of **\$4,088.80**, **receipt number 651711** in the amount of **\$26,748.00** as reimbursement in support of certain public safety equipment and training; and,

**WHEREAS**, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision,

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the actual expenses of said municipality related to the Fire Service and Public Safety Initiative funded by **State of Indiana Department of Homeland Security Grants** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

PUBLIC SAFETY LOCAL INCOME TAX FUND

Increase Account:

Acct. 249-0000-43006 Equipment Turn Out Gear:	\$ 30,836.80
Total 400 Series Increases	\$ 30,836.80

**Total of All Fund Increases: \$ 30,836.80**

**Section 2.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 11<sup>th</sup> day of May 2020 Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ENACTED AND ADOPTED** this 11<sup>th</sup> Day of May 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark J. Schocke, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 2. Works Board Order No. 2020-28: (A Joint Order/Resolution)** A Joint Resolution of the Board of Works and The Water Works Board of Directors Awarding a Bid to Grimmer Construction, Incorporated for the Robertson Place and Rosewood Ct. Water Main Replacement and street improvement project in the Total amount of \$530,530.00 as the Lowest Responsive and Responsible Bid.

*Allow for Town Attorney to comment on the Proof of Publication regarding the receipt and opening of bids.*

**Legal opinion on notice.** The Town Attorney, indicated that legal notice published in the Times on April 20, and again on April 27, 2020 for bids opened on May 7, 2020 at 10:00 a.m., was in order and complied with IC 5-3-1 and IC 36-1-12 *et seq.*

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-28. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.



**Now, Therefore Be it Resolved or Ordered** by the Board of Directors of the Highland Waterworks, Lake County, Indiana, the Board of Works for the Town of Highland and the Board of Commissioners of the Highland Sanitary District as follows:

**Section 1.** That the Bid of Grimmer Construction, Incorporated in the amount of Five Hundred Thirty Thousand Five Hundred Thirty Dollars and 00/100 (\$530,530.00) for the Robertson Pl. and Rosewood Ct. Water Main Replacement and Street Improvement Project is hereby accepted as the lowest responsive and responsible bid;

**Section 2.** That the Town of Highland, through its Board of Works, acknowledges and approves its share of the work in the amount of One Hundred Ninety-four Thousand Four Hundred Twenty-six Dollars and 10/100 Cents (\$194,426.10);

**Section 3.** That the Waterworks District of Highland, through its Board of Directors, acknowledges and approves its share of the work for Robertson Pl. and Rosewood Ct. Water Main Replacement and Street Improvement Project in the amount of Three Hundred Thirty-six Thousand One Hundred Three Dollars and 90/100 Cents (\$336,103.90);

**Section 4.** That the Water Works District Superintendent / Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

**BE IT SO ORDERED.**

**Board of Works Jurat**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11<sup>th</sup> day of April 2020 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Board of Waterworks Directors Jurat**

**Duly Adopted, Resolved and Ordered** by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 28<sup>th</sup> day of May 2020. Having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**HIGHLAND WATERWORKS  
BY ITS BOARD OF DIRECTORS:**

\_\_\_\_\_  
George A. Smith, President

**Attest:**

\_\_\_\_\_  
Richard E. Volbrecht Jr., Secretary

- 3. Works Board Order No. 2020-29:** A Joint Resolution of the Board of Works and the Water Works Board of Directors Accepting and Approving a Proposal from NIES Engineering, Inc. for Professional Engineering Services during Construction for the Robertson pl. and Rosewood Court water main and Street Improvement Project in the Total Amount not-to-exceed \$55,500.00.

Councilor Herak moved the passage and adoption of Works Board Order No. 2020-29. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2020-29**

**WATERWORKS DISTRICT OF HIGHLAND  
BOARD OF WATERWORKS DIRECTORS  
RESOLUTION NO. 2020-08**



**A JOINT RESOLUTION OF THE BOARD OF WORKS AND THE WATER WORKS BOARD OF DIRECTORS ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC., FOR PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE ROBERTSON PL. AND ROSEWOOD CT. WATER MAIN AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT NOT-TO-EXCEED \$55,500.00**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined that a need exists to make certain public improvements and repairs to roadway infrastructure on Robertson Pl. (south of 81<sup>st</sup> Street) and Rosewood Ct. including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement;

**Whereas,** The Town of Highland has filed an application for Community Development Block Grant funding (FY 2020), with the Lake County Community Development Department, which will offset the costs for the improvements in the amount of \$102,130.00;

**Whereas,** The Waterworks District of Highland (District) is governed by its Board of Waterworks Directors, pursuant to the provisions of IC 8-1.5-4 et seq.;

**Whereas,** IC 8-1.5-4-4 specifically provides that the Board of Directors shall manage and control all works of the waterworks and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works;

**Whereas,** The Water Works District of Highland (District), through its Board of Directors, has determine the need to replace and upsize the existing water main within the project boundaries, as described herein, in order to improve water flow and water quality and has determined that it would be in the best interest of the utility to coordinate the work with the street improvement project;

**Whereas,** The Works Board and Waterworks District Board of Directors has heretofore determined a need to engage the professional engineering services during construction in order to implement the Project;

**Whereas,** NIES Engineering, Incorporated, (Consultant) has offered and presented an agreement to provide and furnish Professional Engineering Services during Construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Fifty-five Thousand Five Hundred Dollars (\$55,500.00) allocated in the amount of Thirty-four Thousand Five Hundred Dollars and no Cents (\$34,500.00) to the Waterworks District and Twenty-one Thousand Dollars and no Cents (\$21,000.00) to the Board of Works;

**Whereas,** There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e);

**Whereas,** The Water Works District of Highland, through its Board of Directors, now desires to accept and approve the agreement for services as herein described; and,

**Whereas,** The Town of Highland, through its Board of Works, now desires to accept and approve the agreement for services as herein described,

**Now, Therefore Be it Resolved** by the Board of Directors of the Highland Waterworks, Lake County, Indiana and the Board of Works for the Town of Highland, as follows:

**Section 1.** That the Professional Engineering Services during Construction Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Incorporated for the Robertson Pl. and Rosewood CT., Water Main And Street Improvement Project is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the agreement for Construction Engineering services in the not to exceed amount of Fifty-five Thousand and Five Hundred Dollars (\$55,500.00) allocated in the amount of Thirty-four Thousand Five Hundred Dollars and no Cents (\$34,500.00) to the Waterworks District and Twenty-one Thousand Dollars and no Cents (\$21,000.00) to the Board of Works is found to be reasonable and fair;

**Section 3.** That the Water Works District of Highland, through its Board of Directors and Town Council, which is the Works Board of the municipality believes that NIES Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 4.** That the Water Works District Superintendent/Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

**Be it So Ordered.**

**Works Board Jurat**

**Duly Adopted,** Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 11<sup>th</sup> day of May 2020. Having been passed by a vote of 5 in favor and 0 opposed.

**BOARD OF WORKS OF THE TOWN OF  
HIGHLAND, INDIANA**

/s/ Mark J. Schocke, President (IC 36-5-2-10)

**Attest:**

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Waterworks Board Jurat**

**Duly Adopted, Resolved and Ordered** by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 28<sup>th</sup> day of May 2020. Having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**Highland Waterworks  
By Its Board of Directors:**

\_\_\_\_\_  
George A. Smith, President

**Attest:**

\_\_\_\_\_  
Richard E. Volbrecht Jr., Secretary

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May 7, 2020

Mr. George A. Smith, President  
Highland Waterworks Board of Directors  
3333 Ridge Road  
Highland, IN 46322

Mr. Mark Schocke, President  
Highland Town Council  
3333 Ridge Road  
Highland, IN 46322

RE: Proposal for Professional Engineering Services During Construction  
Robertson Pl. & Rosewood Ct. Water Main Replacement & Street Improvement Project

Dear Messrs. Smith and Schocke:

Thank you for the opportunity to present this proposal for professional engineering services during construction of the "Robertson Pl. & Rosewood Ct. Water Main Replacement & Street Improvement Project". This project would provide water main replacement and street improvements for Robertson Place (portion south of 81<sup>st</sup> Street) and Rosewood Court. This project will provide complete water main replacement, targeted storm sewer replacement, full depth street rehabilitation and replacement of deteriorated sidewalk, curb, driveway aprons and parkway trees.

The construction cost for the project is \$530,530.00 per the low bid received on May 7, 2020, with a preliminary breakdown of \$336,103.90 for water main replacement work and \$194,426.10 for street improvement work. As a joint project between the Highland Waterworks Board and the Highland Board of Works, it is our understanding that water main replacement work would be funded by the Waterworks Board and that street improvement work would be funded by a combination of Lake County CDBG funds and Town funds.

Our proposal is based on providing engineering services during construction, including preparation and review of legal documentation, shop drawing review, regular daily field inspection, erosion control review, pay request review, change order preparation, punch list follow-up and record drawing coordination. We propose to provide engineering services during construction for a not-to-exceed fee of \$55,500.00, divided as follows: \$34,500.00 to the Highland Waterworks Board and \$21,000.00 to the Highland Town Council.

Billings will not exceed the budget without your prior authorization. We propose to provide engineering services based on labor billing at 2.90 times the actual salary of staff assigned to your project. Hourly billing ranges by staff category are presented in Table 1. Direct expenses such as reproduction and similar items will be billed at actual cost. Mileage will be billed at the current IRS approved rate. The attached "Standard Conditions for Professional Engineering Services" is included by reference.

Again, thank you for the opportunity to present this proposal. Your signatures below and return of one copy of this proposal to our office will constitute your acceptance and our notice to proceed.

Yours very truly,  
NIES Engineering, Inc.



Derek R. Snyder, P.E.  
Principal

TOWN OF HIGHLAND WATERWORKS BOARD OF DIRECTORS  
(Engineering Fee Authorized: \$34,500.00)

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

HIGHLAND TOWN COUNCIL  
(Engineering Fee Authorized: \$21,000.00)

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

cc: Highland Waterworks Board of Directors  
Highland Town Council  
Mr. John Bach  
Mr. Mark Knesek  
Mr. Michael Griffin

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**Table 1**

**2020 NIES Engineering Personnel Hourly Rates**

Classification	Hourly Rate	
	From	To
Intern	\$34.00	\$40.00
Clerical	\$29.00	\$43.00
Senior Clerical	\$41.00	\$48.00
Administrative Assistant	\$59.00	\$61.00
Senior Administrative Assistant	\$70.00	\$72.00
Technician Level 1	\$50.00	\$60.00
Technician Level 2	\$65.00	\$70.00
Technician Level 3	\$75.00	\$80.00
Technician Level 4	\$90.00	\$95.00
Technician Level 5	\$95.00	\$100.00
Technician Level 6	\$105.00	\$110.00
Engineer Level 1	\$70.00	\$80.00
Engineer Level 2	\$80.00	\$90.00
Engineer Level 3	\$100.00	\$110.00
Engineer Level 4	\$115.00	\$125.00
Engineer Level 5	\$125.00	\$135.00
Project Manager	\$120.00	\$130.00
Senior Project Manager	\$175.00	\$175.00
Principal Level 1	\$130.00	\$135.00
Principal Level 2	\$135.00	\$140.00
Senior Principal	\$185.00	\$190.00

## STANDARD CONDITIONS FOR PROFESSIONAL ENGINEERING SERVICES

The term "NIES Engineering" used in these terms and conditions is defined as: NIES Engineering, Incorporated of 2421 173<sup>rd</sup> Street, Hammond, Indiana 46323; its officers, partners, employees, sub-consultants and sub-contractors.

### 1. REIMBURSABLE EXPENSES:

1.1. Reimbursable expenses are defined as follows and shall be invoiced at direct cost:

- Reproduction of documents.
- Shipping and mailing expenses.
- Any other disbursements, application fees, etc., made on behalf of the Owner.

### 2. INDEMNIFICATION:

- 2.1. The OWNER agrees to hold harmless and indemnify NIES Engineering for and against all claims, damages, awards and costs of defense arising out of delays in NIES Engineering's performance resulting from events beyond the NIES Engineering's control.
- 2.2. Whereas construction job-site safety conditions are the sole responsibility of the Construction Contractor, the OWNER agrees to hold harmless and indemnify NIES Engineering for and against all claims, damages, awards and costs of defense arising out of claims related to Construction job-site safety.
- 2.3. The OWNER agrees to stipulate within the Contract Documents that the Contractor shall purchase and maintain, during the course of construction, "all-risk" builder's risk insurance which names the Contractor, the Owner's agents, and NIES Engineering as additional insureds.
- 2.4. It is understood and agreed that if NIES Engineering's Basic Services under this Agreement do not include project observation or review of the Contractor's performance or any other construction phase services, that such services will be provided for by the Client. If said services are provided for by the Client, then the Client assumes all responsibility for interpretation of the Contract Documents and for construction observation and supervision and waives any claims against NIES Engineering that may be in any way connected thereto. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold NIES Engineering harmless from any loss, claim or cost, including reasonable attorneys' fees and costs of defense, arising or resulting from the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Contract Documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of NIES Engineering.

### 3. TERMINATION:

- 3.1. This agreement between OWNER and NIES Engineering may be terminated by either party upon seven days, written notice in the event of substantial failure of performance of the material terms and conditions of this agreement by the other party through no fault of the terminating party.
- 3.2. If this agreement is terminated during the course of performance of the services, NIES Engineering shall be paid for the services performed during the period prior to the effective date of termination of the agreement.
- 3.3. If, prior to termination of this agreement, any services designed or specified by NIES Engineering during any phase of the service is suspended in whole or in part for more than three months or abandoned after written notice from the OWNER, NIES Engineering shall be paid for such services performed prior to receipt of such notice.

### 4. BILLING/PAYMENTS:

- 4.1. NIES Engineering reserves the right to adjust billing rates periodically as salary rates are adjusted and to use the most up-to-date billing rates in preparing project invoicing.

### 5. REUSE OF DOCUMENTS:

- 5.1. All reports, schedules, drawings, specifications of services of NIES Engineering for this project are instruments of services for this project only and shall remain the property of NIES Engineering until the OWNER has compensated NIES Engineering in full for services rendered pursuant to the AGREEMENT. Upon final payment for services and for each separately accepted and authorized proposal for additional services, ownership of instruments of service shall be vested in the OWNER. NIES Engineering, however, may retain record copies of all such instruments of service and may use such for NIES Engineering's exclusive purposes.
- 5.2. Any reuse of reports, schedules, drawings, specifications of services of NIES Engineering for this project without written verification or adaptation by NIES Engineering for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to NIES Engineering, or to NIES Engineering's independent professional associates or consultants, and OWNER shall indemnify and hold harmless NIES Engineering and NIES Engineering's independent professional associates and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle NIES Engineering to further compensation at rates to be agreed upon by OWNER and NIES Engineering.

**6. OPINIONS OF PROJECT COST, CONSTRUCTION AND OPERATION AND MAINTENANCE:**

- 6.1. Since NIES Engineering has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor methods of determining prices, or over competitive bidding or market conditions, NIES Engineering's opinions of probable Construction Cost are to be made on the basis of NIES Engineering's experience and qualifications and represent NIES Engineering's best judgment as an experienced and qualified professional engineer, familiar with the construction industry, but NIES Engineering cannot and does not guarantee that proposals, bids or actual Construction Cost will not vary from opinions of probable cost prepared by NIES Engineering. Similarly, opinions of Project Cost and Annual Operation and Maintenance Cost cannot be guaranteed because they depend upon numerous factors beyond NIES Engineering's control.

**7. MEDIATION:**

- 7.1. In addition to and prior to arbitration, the parties shall endeavor to settle disputes by mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect unless the parties mutually agree otherwise. Demand for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. A demand for mediation shall be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event shall the demand for mediation be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

**8. FIDUCIARY RESPONSIBILITY:**

- 8.1. CLIENT confirms that NIES Engineering has not offered any fiduciary service to client and no fiduciary responsibility shall be owed to client by NIES Engineering as a consequence of NIES Engineering's entering into this agreement with client.

**9. HAZARDOUS MATERIALS:**

- 9.1. As used in this Agreement, the term hazardous materials shall mean any substances, including but not limited to asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as such of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the Project site.
- 9.2. Both parties acknowledge that the NIES Engineering's scope of services does not include any services related to the presence of any hazardous or toxic materials. In the event NIES Engineering or any other party encounters any hazardous or toxic materials, or should it become known to NIES Engineering that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of NIES Engineering's services, NIES Engineering may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the Client retains appropriate engineers or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.
- 9.3. The Client agrees, notwithstanding any other provision of this Agreement, to the fullest extent by law, to indemnify and hold harmless NIES Engineering from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the Project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the sole negligence or willful misconduct of NIES Engineering.

**10. CONSEQUENTIAL DAMAGES**

- 10.1. Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the Owner or NIES Engineering, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Owner and NIES Engineering shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

**11. SEVERABILITY:**

- 11.1. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions or portions thereof shall nevertheless be and remain in full force and effect.

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- 4. Meeting cancellation.** Action regarding cancellation of Town Council Plenary meeting of Monday, May 25, 2020 owing to Memorial Day Holiday, all pursuant to Section 2.05.130(D) of the Highland Municipal Code.

Councilor Herak moved to cancel the plenary meeting of the Town Council for Monday, May 25, 2020 owing to the Memorial Day holiday. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. the meeting was cancelled.

- 5. Re-Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$84,500 in Gaming Revenue Sharing Fund; in the amount of \$5,000 in the Economic Development Local Income Tax (LIT) Fund; the amount of \$4,000 in the Public Safety Local Income Tax Fund; the amount of \$2,000 in the Innkeeper Tax Fund; the amount of \$350,000 in the Works Board Department of the Corporation General Fund, and the amount of \$293 in the Redevelopment General Fund.

Councilor Black moved to authorize and instruct the proper officer to publish legal notice of a public hearing to consider proposed additional appropriations as indicated. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized and instructed to re-publish legal notice for a public hearing.

**Remarks from the Town Council:**  
*(For the Good of the Order)*

With leave from the Town Council, the Town Council President determined to discuss the status of the Independence Day twilight parade and the associated Independence Day festival. The Town Council President noted that he contacted the assistant general counsel to the Office of Indiana Governor regarding clarification of the timetable for the incremental stages outlined in Executive Order No. 20-26, which outlines the gradual opening of the Indiana economy following the order to shelter in place in consequence of the national COVID 19 public health emergency.

The Town Council President noted that the week delay for Lake and Marion Counties was intended to remain throughout the stages, meaning that Stage 3 would not begin for Lake County before July 11. The Town Council President further reported that the Community Events Commission was seeking guidance from the Town Council regarding the event. Following deliberation, there was a consensus to suggest to the Community Events Commission that the events be cancelled owing to the public health requirements of the Governor's order.

The deliberation included a possibility of postponing or scheduling some similar event in the Fall or somehow schedule a fireworks event that could be conducted where the public could observe from parked cars.

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Plan Commission*

Councilor Zemen expressed appreciation for the municipal staff and its work during the COVID 19 public health emergency and he wished everyone to stay well and observe the practices suggested by the CDC.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Advisory Board of Zoning Appeals* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak thanked all of the department leadership and the Fire Chief for organizing the daily teleconferences to create a "virtual" emergency operations center.

Councilor Herak noted the birthday of his friend Ken Wolak, with whom he would often run.

Councilor Herak acknowledged the Public Works Director, who reported on progress in getting protective guards for the countertops at the Highland municipal building.

Councilor Herak acknowledged the Building Commissioner, who reported on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Tom Black:** *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Board of Waterworks Directors.*

Councilor Black thanked Highland residents for their compliance with the Governor's Executive Orders. He further thanked the IT Consultant for the streaming of the Town Council meeting.



- **Councilor Roger Sheeman:** *Chamber of Commerce Liaison • Liaison to the Community Events Commission • Information Technology Liaison • and Redevelopment Commission Liaison.*

Councilor Sheeman acknowledged the Redevelopment Director, who noted that the Redevelopment Commission would be conducting a study session on Tuesday.

- **Councilor President Mark Schocke:** *Town Executive • Chair of the Board of Police Pension Trustees • Park and Recreation Liaison.*

The Town Council President acknowledged the Parks and Recreation Superintendent who reported on parks and recreation and its reading of Indiana Governor Executive Order No. 20-26 and its import for re-opening the Community Center and resuming recreation programming.

#### **Comments from Visitors or Residents:**

1. Larry Kondrat, Highland, inquired about the Redevelopment Commission seeking new appraisals for property at the corner of Jewett and Kennedy Avenue. Mr. Kondrat noted that the Redevelopment Commission previously had obtained appraisals at the same sight. Mr. Kondrat expressed concern for any undue pricing demands from the current owner.

Mr. Kondrat further expressed concern for the use of electronic meetings by the Plan Commission as he opined it might limit the ability of persons to express comments regarding the pending petition seeking a proposed re-zoning filed by the Russell Group, to support a senior housing development near Strack and Van Til Retail Grocer, on Cline Avenue.

There was an extended colloquy between and among Mr. Kondrat, the Town Council President and Councilor Herak regarding the merits of the senior housing development.

2. Elijah Aurand, Highland, asked if a timeline had been established for the re-opening of the Highland Municipal Building. It was noted that it had not.

Mr. Aurand further asked whether the senior housing development and the improvement of and addition to the Town's local roads and street inventory of the private road now called "Ernie Strack Drive" could be achieved without taxpayer financial assistance.

**Fire Chief report.** With leave from the Town Council, the Fire Chief was allowed to offer a brief survey of fire department activity. (The Fire Chief had departed from the meeting to respond to an incident call and had just returned.)

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Black moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 28, 2020 through May 11, 2020 as well as to ratify the payroll docket for the payday April 24, 2020. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payroll dockets and other payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$311,357.23; Motor Vehicle Highway and Street (MVH) Fund, \$37,957.41; Local Road and Streets Fund, \$3,508.38; Law Enforcement Continuing Education and**

**Training and Supply Fund, \$1,032.35; Hazardous Materials Incident Response Fund, \$1,998.58; Flexible Spending Accounts Agency Fund, \$619.20; Insurance Premium Agency Fund, \$204,205.77; Information Communications Technology Fund, \$6,910.21; Civil Donation Fund, \$497.00; Police Pension 1925 Fund, \$684.00; Traffic Violations and Law Enforcement Agency Fund, \$2,500.00; Public Safety Local Income Tax Fund, \$9,805.00; Total: \$581,075.13.**

**Payroll Docket for payday of April 24, 2020:**

**Council, Boards and Commissions, \$8,570.06; Office of Clerk-Treasurer, \$16,127.21; Building and Inspection Department, \$8,361.81; Metropolitan Police Department, \$115,618.55; Fire Department, \$36,858.89; Public Works Department (Agency), \$63,541.41 and 1925 Police Pension Plan Pension Fund, \$69,061.65; Total Payroll: \$318,139.58.**

**Adjournment of Plenary Meeting.** Councilor Zemen moved that the plenary meeting electronically convened be adjourned. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular plenary meeting, convened electronically, of the Town Council for Monday, May 11, 2020 was adjourned at 7:53 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

Approved by the Town Council at its meeting of \_\_\_\_\_, 2020.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer